



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 7
901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

MAR 06 2012

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No.: 7010-2780-0001-2211-6015

Mr. Randy Boehmke
Plumb Thicket Landfill
NE 150th Road
Harper, Kansas 67058

Re: CERCLA Off-Site Rule: Affirmative Determination of Acceptability for the Plumb Thicket Landfill, Harper, Kansas

Dear Mr. Boehmke:

This letter serves to inform you that the U.S. Environmental Protection Agency (EPA) has made an affirmative determination of acceptability for the receipt of off-site waste at Plumb Thicket Landfill in Harper, Kansas (Plumb Thicket). Pursuant to Title 40 Code of Federal Regulations (40 CFR) Section 300.440(a)(4), the EPA has completed an initial assessment of Plumb Thicket, and finds the facility acceptable for the receipt of off-site waste. Such off-site wastes are defined as wastes generated as a result of activities authorized or funded by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA).

On September 22, 1993, the EPA amended the National Oil and Hazardous Substance Pollution Contingency Plan (NCP), 40 CFR Part 300, by adding Section 300.440, now known as the Off-Site Rule. The rule implements and codifies the requirements contained in CERCLA Section 121(d)(3), and incorporates many provisions of the November 13, 1987, OSWER Directive (No. 9834.11), known as the Off-Site Policy. The Off-Site Rule establishes the criteria and procedures for determining if facilities are acceptable for the off-site receipt of CERCLA waste, and outlines the actions affected by the standard. The Off-Site Rule requires that prior to a facility's initial receipt of CERCLA waste, the EPA shall determine if there are relevant releases or relevant violations at the facility.

The EPA corresponded with the Kansas Department of Health and Environment (KDHE) to determine Plumb Thicket's compliance with Resources Conservation and Recovery Act (RCRA) and other applicable environmental standards. The results of the correspondence indicate that Plumb Thicket is currently in compliance with RCRA and other applicable environmental standards. Therefore, effective upon receipt of this letter, Plumb Thicket is acceptable to receive CERCLA off-site waste at the facility described above. Should any new information affecting this determination develop, the Agency reserves the right to revisit this decision. By issuing this notice, the EPA is in no way authorizing Plumb Thicket

to undertake any waste management practice at this facility for which Plumb Thicket has not been previously authorized by the EPA or KDHE.

If you have any questions concerning this matter, please contact Deborah Bredehoft, Regional Off-Site Contact, Region 7, at (913) 551-7164.

Sincerely,

A handwritten signature in black ink, appearing to read 'Donald Toensing', is written over the printed name.

Donald Toensing, Branch Chief
Waste Enforcement and Material Management Branch
Air and Waste Management Division

cc: Mr. Jim Rudeen, Kansas Department of Health and Environment